

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.4/2024 with
MC (WA) No.3/2024

Date of Order: 19.02.2024

Deipormi Dkhar Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant	: Mr. S. Sen, Adv with Mr. R. Majaw, Adv Ms. S. Shallam, Adv
For the Respondents	: Mr. A. Kumar, Advocate General with Mr. N. Syngkon, GA

i) Whether approved for reporting in Law journals etc.:	Yes
ii) Whether approved for publication in press:	Yes

JUDGMENT:

(Made by Hon'ble Chief Justice)

The present Writ Appeal has been preferred against the order of the learned Single Judge dated 13.02.2024, in and by which, the interim relief sought for had been declined by holding that the entire matter of the writ petition needs to be heard at the earliest point of time.

2. According to the Writ Petitioner, who is the appellant herein, he had initially entered into a License agreement dated 17.12.2017 for running a weighbridge at Amsarin on the Jowai-Dawki

Road with the State respondents for a period of three years and subsequently, the same had been extended for further period of two months. As the period of license had elapsed, the appellant/writ petitioner approached this Court by way of filing a Writ Petition in WP (C) No.2 of 2021 for renewal of the agreement and this Court, by an order dated 09.05.2022 directed the State respondents to consider the renewal application, pursuant to which, the State respondents, by an order dated 30.05.2022 renewed the agreement and a fresh agreement was executed as early as on 01.06.2022 for a period of three years. All of a sudden, the renewal period was shortened / curtailed by an order dated 14.07.2023, issued by the Respondent No.3, whereby the period of renewal was reduced till 20.06.2023. Aggrieved by the said order, a Writ Petition in WP (C) No.299 of 2023 was filed by the writ petitioner and during the pendency of the writ petition, an interim order of status quo was directed to be maintained.

3. According to the writ petitioner, the Respondent No.3 violated the interim order passed by this Court by reducing the period which was initially extended for a period of three years based on the Court order. Learned counsel for the petitioner drew the attention of this Court to the objection filed by the State respondents in WP (C) No.2 of 2021 dated 27.04.2022 wherein, in paragraph 5, it has been stated that

the renewal application would be considered in terms of Rule 7 of the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules, 2009 and point 2 to Clause (iii) of the Meghalaya State Policy for Weighbridges, 2018 after scrutiny of the records. Learned counsel for the appellant submitted that having accepted the representation/application for renewal of the said lease agreement in respect of Amsarin weighbridge, the Commissioner Transport had issued an order dated 30.05.2022, directing the writ petitioner/appellant to pay the renewal fee of Rs.250/- by way of treasury challan so as to facilitate signing of the agreement in respect of the said weighbridge. Learned counsel further submitted that the act of the State respondents in reducing the period, which was initially extended by three years by an order dated 14.07.2023 and thereafter, informing the writ petitioner/appellant that the extension of agreement for operation of the weighbridge at Amsarin only up to 30.09.2023, is erroneous. He further submitted that even otherwise the order dated 30.09.2023 curtailing the period only upto 30.09.2023 was withdrawn by a letter dated 14.07.2023, which means that the earlier order granting extension for a period of three years would come into operation.

4. According to the appellant/writ petitioner, the writ petitioner has no objection in putting forth his submissions in the writ petition

before the learned Single Judge and in view of non-extension of status quo order as well as non-deployment of persons in weighbridge has been causing inconvenience and great prejudice. Since the appellant/writ petitioner has every chance to succeed the writ petition, the non grant of interim order would be prejudicial to the appellant. Hence, learned counsel prayed that as an interim measure, the appellant/writ petitioner may be permitted to operate the weighbridge in terms of the agreement till the writ petition is heard and disposed of finally.

5. Learned Advocate General appearing for the State respondents contended that in terms of Rules 3, 4, 6 and 7 of the Rules of 2009, no permission had been obtained from the Commissioner & Secretary of Transport, Government of Meghalaya, Shillong. Learned Advocate General further contended that initially the appellant/writ petitioner was granted three years license in 2017 and further extension would be construed only upto the year 2023, not beyond that. It is no doubt true that during Covid period, a periodical extension had been given, which was purely as per Rules referred to supra. The appellant/writ petitioner cannot, as a matter of right, demand automatic extension of his lease agreement. Since the entire matter has got to be addressed before the learned Single Judge, learned Advocate General stated that he does not want to rely upon various other provisions

touching upon the merits of the matter and that the writ appeal against the interim order has to be rejected with a direction to the appellant/writ petitioner to address the arguments before the learned Single Judge.

6. Heard both the parties.

7. It is not in dispute that the appellant/writ petitioner was initially granted a licensee in 2017 for a period of three years to run a weighbridge with periodical extension. Subsequently, there was a renewal of license for a period of three years in the year 2022, which, according to the writ petitioner, expires only in 2025. A cursory glance at the pleadings creates a cloud of suspicion as to whether the writ petitioner had obtained any permission for such extension in terms of Rules 6 and 7, which has been duly referred to by the learned Single Judge with an observation that the writ petition needs to be heard in detail. Hence, we are of the view that the interim order sought for by the appellant/writ petitioner cannot be granted at this stage. Thus, while rejecting the appeal, we permit the parties to address arguments both factually and legally with the available materials before the learned Single Judge. We, at the most, request the learned Single Judge to take up the matter at the earliest point of time and decide the issue. We hereby make it clear that any observation made hereinabove touching upon the merits of the matter in this appeal has no barring, when the writ petition is heard by the learned Single Judge.

8. In the result, WA No.4 of 2024 is dismissed.

9. MC (WA) No.3 of 2024 is disposed of.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
19.02.2024
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